IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

WP(C).No. 14178 of 2007(K)

PETITIONER:

P.J.ELSY,
RETD. PRINCIPAL, GOVERNMENT HIGHER SECONDARY SCHOOL, CHANDIROOR, ALLEPPEY DISTRICT,
NOW RESIDING AT PORIYATH HOUSE,POONITHURA VILLAGE, KANAYANNOOR TALUK, VYTTILA, COCHIN-19.

BY ADV. SRI.P.F.FRANCIS

RESPONDENTS:

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1. THE DEPUTY DIRECTOR, (EDUCATION), ALLEPPEY DISTRICT.

2. THE VILLAGE OFFICER, POONITHURA VILLAGE, KANAYANNOOR TALUK, VYTTILA.

BY ADV. SHRI.BASANT BALAJI, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)No. 14178/2007

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE APPLICATION SUBMITTED BY THE NATIONAL EDUCATION CENTRE, DATED 10/10/1999.

P2 : COPY OF THE NOTICE ISSUED by the FIRST RESPONDENT DATED 27/1/2001.

P3 : COPY OF THE REPLY TO THE P2 NOTICE DATED 07/07/2000.

P4 : COPY OF THE URGENT NOTICE DATED 08/11/2000 ISSUED by the ADMINISTRATIVE ASSISTANT TO THE PETITIONER.

P5 : COPY OF THE REPLY DATED 16/11/2000.

P6 : COPY OF THE DEMAND NOTICE DATED 17/4/2007.

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 14178 of 2007

Dated, this the 4th day of June, 2007

J U D G M E N T

Petitioner is challenging Ext.P6 recovery proceedings for recovery of Rs. 3,750/-, which is the rent collected by petitioner from one Jayachandran. A room in the school was rented out for conducting coaching class for entrance examination, for the students seeking admission to Navodaya Vidyalaya. Learned counsel for the petitioner submitted that petitioner collected the rent and remitted the same in the Treasury. If petitioner has remitted the rent, then there is no scope for recovery. However, learned Government Pleader pointed out that even after giving an opportunity, petitioner did not furnish the details of remittance. Learned counsel for the petitioner submitted that petitioner is retired and the details are available in the school only. In the circumstance, this WP(C) is disposed of granting six weeks time to the petitioner to collect the details and to furnish the same before the 1st respondent. Petitioner will produce copy of this judgment before the 1st respondent and proof of payment before him to withdraw the RR proceedings. The Principal of the School will also,

on production of a copy of this judgment, permit the petitioner to peruse the records of the school in the presence of an authorised staff member and if receipts and other details of payments are found, the Principal will issue attested copies of the same to the petitioner for production before the 2nd respondent. If petitioner is not able to produce proof of the remittance of the collected payment before the 1st respondent, then recovery can be continued after six weeks. Second respondent is directed to withhold RR proceedings for six weeks from now. If details are not available, then petitioner is granted another two weeks time to make payment and if payment is made at least by 06/08/2007, there will be direction to 2nd respondent not to collect collection charges or interest from the petitioner.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg